

SERVICE DATE – JUNE 23, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. MC-F-21018 TA

CUSA GCBS, LLC D/B/A GOODALL'S CHARTER BUS SERVICE – ACQUISITION OF
ASSETS AND BUSINESS OPERATIONS – COMARTIN ENTERPRISES, INC. D/B/A
CONTACTOURS

Decided: June 22, 2006

On June 15, 2006, CUSA GCBS, LLC d/b/a Goodall's Charter Bus Service (CUSA GCBS or applicant) (a regulated passenger carrier), which is wholly owned by CUSA, LLC,¹ applied for interim approval under 49 U.S.C. 14303(i) and the Board's regulations at 49 CFR 1182.7 to permit applicant to acquire control of and operate certain assets of Comartin Enterprises, Inc., (formerly known as San Diego Mini Tours, Inc.) d/b/a Contactours (Contactours or seller), a motor passenger carrier. Applicant seeks interim approval pending a decision on a concurrently filed application for permanent approval of the transaction.

According to applicant, 25% of seller's annual revenue is derived from contracts with cruise lines that call at San Diego, CA. Many of these contracts are now pending subject to completion of the sale of seller's business to applicant. According to applicant, the longer the transition between current and new ownership takes, the greater the risk of loss of this business. A grant of interim approval will allow CUSA GCBS to utilize the assets being acquired to continue providing the services offered by Contactours for the benefit of the public and to assure that the assets that applicant has agreed to purchase will retain their value.² This will enable passenger service to continue while applicant's concurrently filed application for permanent approval is pending.

Under 49 U.S.C. 14303(i), and 49 CFR 1182.7(b), the Board finds that applicant has demonstrated that failure to grant interim approval of the proposed finance transaction may result in the destruction of or injury to the properties being acquired or substantially interfere with their future usefulness in providing adequate and continuous service to the public.

¹ CUSA, LLC is a noncarrier that also owns other federally regulated and non-federally regulated motor carriers. CUSA, LLC is, in turn, wholly owned by noncarrier KBUS Holdings, LLC.

² Applicant is not acquiring Contactours' operating authority; it will conduct operations under its existing operating authorities. Following completion of this transaction, Contactours will cease operations to the public.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Applicant is authorized on an interim basis to acquire control and operate certain assets of seller under 49 U.S.C. 14303(i) and 49 CFR 1182.7. The application for permanent authority will be considered in a separate decision.
2. This decision is effective on its service date.
3. A copy of this decision will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 7th Street, S.W., Room 8214, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, S.W., Washington DC 20590.

By the Board, Chairman Buttrey and Vice Chairman Mulvey.

Vernon A. Williams
Secretary